

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1033-01  
Bill No.: HB 361  
Subject: Conveyance of water rights to Clarence Cannon Wholesale Water Commission  
Type: Original  
Date: February 12, 2001

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
General Revenue	\$80,000 to \$90,000	\$80,000 to \$90,000	\$80,000 to \$90,000
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>\$80,000 to \$90,000</b>	<b>\$80,000 to \$90,000</b>	<b>\$80,000 to \$90,000</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
<b>Local Government</b>	<b>(\$80,000 to \$90,000)</b>	<b>(\$80,000 to \$90,000)</b>	<b>(\$80,000 to \$90,000)</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 4 pages.

## **FISCAL ANALYSIS**

### **ASSUMPTION**

Officials from the **Clarence Cannon Wholesale Water Commission (CCWWC)** state the total principal amount of cost of storage space in Mark Twain Lake is \$16,266,678. The contract requires that interest at the rate of 3.22% per year be paid on any portion of the storage space that is not being used (Future use interest). The principal does not have to be paid until the storage space is actually used (Present use principal and interest).

The CCWWC states the current contract allocates the 16 million gallons per day (mgd) storage space between themselves and the state at 3.1 mgd and 12.9 mgd respectively. This converts into a principal commitment of \$3,189,694 for the CCWWC and \$13,273,241 for the state. The state is currently paying the interest only on their portion of the principal and their proportionate share of operation and maintenance (O&M) expense as determined by the Corps of Engineers.

The CCWWC estimates that the effect of transferring an additional 1.9 mgd of water storage space from the state to the CCWWC will bring the new allocation to 5.0 mgd for the CCWWC and 11.0 mgd for the state. With this transfer, a proportional amount of expenses (interest and O&M) will also be transferred, resulting in a savings for the state and an additional cost to the CCWWC.

The CCWWC estimates that the transference will annually save the state \$62,950 in future use interest as well as \$22,522 in operation and maintenance expenses for a total of \$85,472. This amount could vary somewhat each year depending upon the actual O&M expenses as determined by the U.S. Army Corps of Engineers.

Officials from the **Department of Natural Resources** state that although this proposal has no direct fiscal impact on the Department of Natural Resources, the Office of Administration relies on the department to review the annual statement of account from the U.S. Army Corps of Engineers. Currently, the state's allocation of the 16 million gallons/day of water supply storage is 12.9 million gallons/day. Clarence Cannon Wholesale Water Commission's (CCWWC) allocation of the 16 million gallons/day of water supply storage is currently 3.1 million gallons/day.

Currently, the state pays \$416,381.57 of interest annually, plus its proportional amount of actual operation and maintenance (O&M) costs. O&M costs can vary up or down by tens of thousands of dollars. A reasonable estimate of annual O&M costs is approximately \$140,000 - \$150,000.

This proposal would authorize the Governor to immediately convey rights to water supply storage of an additional 1.9 million gallons/day from the state to CCWWC. Since CCWWC would pay the principal, interest and proportionate share of O&M costs on their new allocation

ASSUMPTION (continued)

total of 5 million gallons per day ( $3.1 + 1.9 = 5$ ), the state's obligation would decrease accordingly. The department estimates the annual savings to General Revenue would range from \$80,000 - \$90,000.

**Oversight** assumes the state would realize the following savings with the conveyance of 1.9 mgd of the states' 12.9 water rights to the CCWWC:

Interest	$1.9\text{mgd} / 12.9\text{mgd} \times \$416,381.57$	= \$61,328
Operation and Maintenance	$1.9\text{mgd} / 12.9\text{mgd} \times \$140,000$	= <u>\$20,620</u>
Total savings realized by the state		<u>\$81,948</u>

Since the operation and maintenance expenses will vary from year to year, Oversight has ranged the saving that the state will realize from the conveyance of an additional 1.9 million gallons per day water storage to the Clarence Cannon Wholesale Water Commission from \$80,000 to \$90,000.

Officials from the **Department of Economic Development - Public Service Commission (PSC)** state that as the Clarence Cannon Wholesale Water Commission is no longer regulated by the PSC, this bill will have no impact on their agency.

Officials from the **Department of Economic Development - Office of Public Counsel** assumes this proposal will not cause a significant fiscal impact on their agency.

Officials from the **Office of the Attorney General (AGO)** did not respond to our request for fiscal impact, however, **Oversight** assumes the AGO could approve as to form the instrument of conveyance with existing resources.

<u>FISCAL IMPACT - State Government</u>	FY 2002	FY 2003	FY 2004
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**GENERAL REVENUE**

<u>Savings</u> - Conveyance of water rights and related expenses to CCWWC	\$80,000 to \$90,000	\$80,000 to \$90,000	\$80,000 to \$90,000
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<u>FISCAL IMPACT - Local Government</u>	FY 2002	FY 2003	FY 2004
<u>Costs</u> - Conveyance of water rights and related expenses from the state	(\$80,000) to (\$90,000)	(\$80,000) to (\$90,000)	(\$80,000) to (\$90,000)

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal authorizes the Governor to convey water rights and water storage rights of Mark Twain Lake acquired by the state by contract with the United States of America to the Clarence Cannon Wholesale Water Commission. Provisions for the transfer of the water rights to the commission are specified by the proposal.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Natural Resources  
Department of Economic Development  
Public Service Commission  
Clarence Cannon Wholesale Water Commission  
Commissioner of Administration

**NOT RESPONDING: Office of the Attorney General**



Jeanne Jarrett, CPA  
Director

February 12, 2001